

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 8

January 28, 1999, 6:20 p.m.
Page S-1072 Temp. Record

CLINTON IMPEACHMENT/Procedure Resolution

SUBJECT: Impeachment trial of William Jefferson Clinton for perjury and obstruction of justice. S. Res. 30, a resolution governing the order of procedure for considering the articles of impeachment.

ACTION: RESOLUTION AGREED TO, 54-44

SYNOPSIS: On December 19, 1998, the House of Representatives impeached (indicted) President Clinton for perjury and obstruction of justice based on his actions and statements in relation to a Federal civil rights sexual harassment lawsuit that was filed against him by a former employee, Paula Corbin Jones. Ms. Jones alleged that in 1991, when she was an Arkansas State employee, then-Arkansas Governor Clinton exposed himself to her in a crude sexual advance which she refused, and that she subsequently and consequently suffered numerous adverse employment actions and was defamed. During the discovery phase of the lawsuit, the presiding judge ordered President Clinton to answer under oath certain questions posed by Ms. Jones' attorneys regarding any history he had of involvement in sexual relationships with State or Federal employees (such lines of questioning in sexual harassment lawsuits are a common means of establishing whether patterns of similar sexual harassment exist, including patterns of reward and punishment based upon the responses of subordinate employees to sexual advances). Those questions, which were posed in January, 1998, included questions regarding his relationship with a former White House intern, Monica Lewinsky (President Clinton had met Ms. Lewinsky and had begun a relationship with her when she was an intern). Later, in August, 1998, Ms. Lewinsky testified before a Federal grand jury, under a grant of immunity, regarding an affidavit she had filed in the *Jones* case. She gave detailed testimony and provided extensive corroborating physical evidence of a sexual relationship with the President. The President also testified before that grand jury in August. His testimony concerned his relationship with Ms. Lewinsky, his testimony before the Federal court in the sexual harassment lawsuit, and actions he took and statements he made before and after testifying in that lawsuit. The House impeachment of the President for obstruction of justice is based on numerous charges that he illegally tried to conceal the nature of his relationship with Ms. Lewinsky from the Federal court and the grand jury, and its impeachment of him for perjury is based on charges of numerous perjurious statements in his grand jury testimony, including

(See other side)

YEAS (54)		NAYS (44)		NOT VOTING (2)	
Republicans (54 or 100%)	Democrats (0 or 0%)	Republicans (0 or 0%)	Democrats (44 or 100%)	Republicans (1)	Democrats (1)
Abraham	Hutchinson	Akaka	Johnson	Allard- ²	Mikulski- ²
Ashcroft	Hutchison	Baucus	Kennedy		
Bennett	Inhofe	Bayh	Kerrey		
Bond	Jeffords	Biden	Kerry		
Brownback	Kyl	Bingaman	Kohl		
Bunning	Lott	Boxer	Landrieu		
Burns	Lugar	Breaux	Lautenberg		
Campbell	Mack	Bryan	Leahy		
Chafee	McCain	Byrd	Levin		
Cochran	McConnell	Cleland	Lieberman		
Collins	Murkowski	Conrad	Lincoln		
Coverdell	Nickles	Daschle	Moynihan		
Craig	Roberts	Dodd	Murray		
Crapo	Roth	Dorgan	Reed		
DeWine	Santorum	Durbin	Reid		
Domenici	Sessions	Edwards	Robb		
Enzi	Shelby	Feingold	Rockefeller		
Fitzgerald	Smith, Bob	Feinstein	Sarbanes		
Frist	Smith, Gordon	Graham	Schumer		
Gorton	Snowe	Harkin	Torricelli		
Gramm	Specter	Hollings	Wellstone		
Grams	Stevens	Inouye	Wyden		
Grassley	Thomas				
Gregg	Thompson				
Hagel	Thurmond				
Hatch	Voinovich				
Helms	Warner				

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

charges of perjury regarding his relationship with Ms. Lewinsky and his efforts to obstruct justice in the sexual harassment case against him.

As introduced, S. Res. 30, a resolution governing the order of procedure for considering the articles of impeachment, will set forth the procedures to be followed until the completion of the trial, as follows:

- oral depositions will be taken from three witnesses, Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal, in accordance with the motion agreed to earlier (see vote No. 5);
- two Senators, appointed by the Leaders, will preside over the depositions, and they will have authority to rule, as an initial matter, upon any question arising out of the depositions;
- a witness will be allowed to refuse to answer a question only when necessary to preserve a legally recognized privilege, or a constitutional right, and must identify any such privilege when refusing to answer a question;
- witnesses will be examined by no more than two counsel from each side, and witnesses may be accompanied by counsel;
- any party that introduces exhibits during the depositions will give the other party at least 18-hours notice;
- exhibits will be limited to the Senate record and articles and materials in the press;
- the depositions will be videotaped and transcripts will be made;
- the depositions will be conducted in private, and confidentiality will be maintained;
- each Member and one staff member for each Member will be able to examine the videotaped and transcribed depositions;
- after that review period, the Senate will reconvene and it will be in order for the House Managers and/or the President's lawyers to move to resolve any objections made during any deposition;
- it will then be in order for the House Managers and/or the President's lawyers to move to admit into evidence the depositions or portions thereof, including the videotaped versions of the depositions or portions thereof;
- it will then be in order for the two Leaders jointly to make motions for additional discovery because of new relevant evidence discovered during the depositions;
- motions will then be allowed for orders governing the presentation of evidence and/or the testifying of witnesses before the Senate;
- if no motions are made, or following the completion of any procedures authorized as a result of votes on motions, the President's lawyers will have up to 24 hours to make any motions dealing with testimony or evidence;
- if no such motions are made, or if no witnesses are called, the Senate will proceed to final arguments as provided in the impeachment rules waiving the two person rule; final arguments will not exceed 6 hours, equally divided; if motions are agreed to regarding new evidence or calling of new witnesses this resolution will be suspended;
- at the conclusion of final arguments the parties will proceed in accordance with the rules of impeachment, except that no motion with respect to reopening the record will be in order, and provided that it will be in order for a Senator to offer a motion to suspend the rules to allow for final debate to be in open session (no amendments or motions to that motion will be in order); and
- following any such vote to suspend the rules, and if none of the motions in order to be offered listed above have been agreed to, the Senate will vote on the articles of impeachment no later than noon on Friday, February 12, 1999, provided that all motions are disposed of and final deliberations have been completed.

NOTE: The Senate earlier rejected two Daschle amendments to the resolution (see vote Nos. 6-7). After the vote, a technical modification was made to the resolution by unanimous consent. After passage of the Senate resolution, the Senate also agreed by unanimous consent that the time for taking the depositions would expire when the Senate reconvened on February 4, 1999, and that the time for each deposition would not exceed 8 hours. It was announced that the depositions would begin on Monday and that starting Tuesday Senators would be able to begin viewing depositions.

No debate occurred on the resolution.